

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

LAWRENCE EDWARD CREED Case No. 15-40892
xxx-xx-8175
1917 Fountain Spray, Wylie, TX 75098
Debtor Chapter 13

CHRIS GERSTNER §
d/b/a Resolute Services §
Plaintiff § §
v. § Adversary No. 15-4061
LAWRENCE EDWARD CREED §
Defendant §

**NOTICE OF INTENT TO DISMISS
COUNTS 1 THROUGH 6 OF PLAINTIFF'S COMPLAINT
DUE TO CONVERSION OF CASE TO CHAPTER 13**

ON THIS DATE the Court reviewed the file in the above-referenced adversary proceeding. This adversary proceeding involves a complaint filed by the Plaintiff, Chris Gerstner d/b/a Resolute Services, in which he seeks to deny the entry of a Chapter 7 discharge in favor of the Defendant-Debtor, Lawrence Edward Creed, or, alternatively, for a determination that the debt allegedly owed to the Plaintiff should be excepted from discharge pursuant to §523(a)(2)(A) and §523(a)(4) of the Bankruptcy Code.

However, subsequent to the initiation of this particular adversary proceeding, the

underlying bankruptcy case of the Debtor-Defendant, Lawrence Edward Creed, has been converted to a case under Chapter 13. Therefore, as to counts 1 through 6 of the Plaintiff's complaint --- which seek a denial of the Debtor-Defendant's discharge under various subsections of §727 --- such relief has been rendered moot by the conversion of the case to Chapter 13. Accordingly, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that, in the absence of the filing of a pleading by any party, within fourteen (14) days of the entry of this Order, containing sufficient grounds for the survival of Counts 1 through 6 of the Plaintiff's complaint in light of the underlying case developments, those specified counts of the Plaintiffs' complaint in this adversary proceeding shall be dismissed without prejudice and the adjudication of this adversary proceeding shall proceed under Counts 7 and 8, which seek a determination of dischargeability of the particular debt allegedly owed to the Plaintiff by the Defendant.

Signed on 09/14/2015



THE HONORABLE BILL PARKER
UNITED STATES BANKRUPTCY JUDGE